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Terry Goddard Files Suit Over Violations of Smoke-Free Arizona Act

(Phoenix, Ariz. – May 14, 2007) Attorney General Terry Goddard today filed a lawsuit against two men and three corporations that own, operate or manage Metro Sportz Bar and Restaurant, Boomerang Bar and Billiards, River City Pockets and the Maverick Saloon, all in Phoenix, for violating the Smoke-Free Arizona Act. The men named as defendants are Alfonso Larriva and Alfonzo Ruiz.

The Smoke-Free Arizona Act, adopted by Arizona voters in November 2006, went into effect on May 1. It requires owners, operators and managers of most indoor public places to prohibit smoking. The Act also requires the owners to post "No Smoking" signs, remove all ashtrays from areas where smoking is prohibited and tell people who are smoking in prohibited areas to stop immediately.

According to court documents, between May 3 and May 9, the defendants failed to comply with the Act. Inspectors from the Arizona Department of Health Services visited each of the bars or restaurants and saw patrons smoking. Inspectors also noted that the required "No Smoking" signs were not posted, and ashtrays were still available.

The defendants claim that by installing vents in walls, or by replacing windows with vents and propping open doors to the bars, their establishments can no longer be defined as "enclosed" areas where smoking is prohibited by the Act.

"The Arizona voters decided in November they wanted a smoke-free Arizona," Goddard said. "It is important that the will of the people not be impeded by folks who continue to allow smoking indoors."

"The owners gave us no choice but to seek an injunction," said Susan Gerard, Department of Health Services Director. "They have been openly ignoring the law, and all of our efforts to get them to play by the rules have fallen flat. This is not only a public health issue, it's a fairness issue as well. We have had good compliance across the state with the exception of these four bars."

The Attorney General's Office and the Arizona Department of Health Services are asking the Maricopa County Superior Court to:

- Issue a preliminary injunction and permanent injunction against the defendants to stop them from continuing to violate the law and correct the violations.
- Impose \$22,400 in fines against the corporation that owns Metro Sportz Bar and Restaurant.
- Impose \$12,800 in fines against the corporation that owns Boomerang Bar and Billiards and River City Pockets.
- Impose \$6,400 in fines against the corporation that owns Maverick Saloon.
- Impose \$41,600 in fines against Larriva.
- Impose \$19,200 in fines against Ruiz.

A copy of the complaint and application for preliminary injunction are attached.

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